

SARASOTA COUNTY SHERIFF'S OFFICE

Administrative Investigation

I.A. #

2019-019

Event Location: 18800 South W. Villages Pkwy. Venice, FL 34293

Event Date: 03/24/2019

Event Time: 1800 Hours

Date Reported: 03/28/2019

Received By: Col. Hoffman

 Attached additional pages as necessary

Alleged Disciplinary Standard Violation: (Under G.O. 12.2 List Specific Disciplinary Standard Violation)
 D.S. # 1 Conduct Unbecoming and/or # 52 Use of Alcohol (off duty).

COMPLAINANT

Name: Col. K. Hoffman DOB: _____ Sex: _____ Home Phone: ()
 Address: 6010 Cattle Ridge Blvd. Sarasota, FL 342 _____ Business Phone: (941) 861-5800

WITNESS(ES)

Name: *** SEE LIST *** Address: _____ Phone ()
 Name: _____ Address: _____ Phone ()
 Name: _____ Address: _____ Phone ()

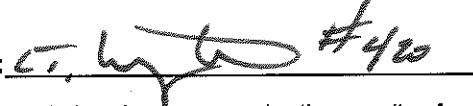
EMPLOYEE(S) INVOLVED Name: Maj. Paul Richard I.D.# 488 Unit: L.E. Div.
 Name: _____ I.D.# _____ Unit: _____
 Name: _____ I.D.# _____ Unit: _____

NATURE OF COMPLAINT Excessive Force False Arrest Discrimination Criminal Conduct
 Other (specify) SEE ABOVE

INVESTIGATIVE SUMMARY (Findings)

Investigator: Lt. Mike Mercurio # 420

***** SEE INVESTIGATIVE REPORT *****

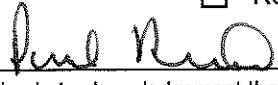
Investigator's Signature:  Date Completed: 5/8/2019

I, the above signed investigator, do hereby swear, under the penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of this investigation of any of the rights contained in Florida State Statute 112.532 and 112.533.

DISPOSITION Sustained Not Sustained Unfounded Exonerated Policy Failure Other Misconduct**CHARACTER OF DISCIPLINE** None Memorandum of Counseling

Suspended - Hours 48 hrs. Probation - Length _____

Additional Reduction in Pay

 Reprimand Dismissal DemotionEmployee's signature: 

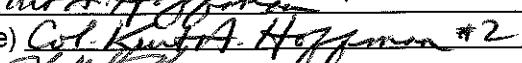
Date: 5/13/19

(Employee signature is not an admission but acknowledgement that the form was reviewed)

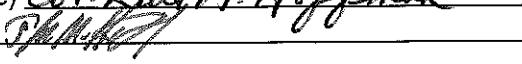
(Case is not finalized until approved by the Sheriff)

Employee notified by (signature) 

Date: 5/13/19

Bureau Commander's/Chairman's (signature) 

Date: 5/13/19

Sheriff's endorsement (signature) 

Date: 5/13/19

DISPOSITION LETTER SENT TO COMPLAINANT, BY INTERNAL AFFAIRS, ON _____

DATE

Forward original, all supporting documents and recordings to Internal Affairs

SARASOTA COUNTY SHERIFF'S OFFICE

Internal Affairs Administrative Investigation

IA Case #: 2019-019

Investigator: Lt. Mike Mercurio # 420

On 03/28/2019 this agency received an email (attached) regarding the behavior of Major Paul Richard, during his attendance at an Atlanta Braves Spring Training game on 03/24/2019. On the same date (03/28) I responded to the email requesting additional information regarding the incident and a contact number for the sender. On 03/30/2019 I received a response to my email, denoting that the sender did not wish to get involved in the complaint process, however wanted to "wait to hear what the Sheriff is going to do about it".

On 04/01/2019 I was assigned to investigate allegations of misconduct possibly perpetrated by Major Paul Richard. It was alleged that Major Richard was intoxicated, rude and discourteous to patrons at the game and a North Port Police Sergeant, working the event.

During this investigation I was able to identify and ultimately interview several witnesses (see list), who gave similar and specific testimony, for detailed information refer to their recorded statements. During individual testimony, I spoke with two patrons Mr. and Mrs. Shehorn who were seated several rows in front of Major Richard. They spoke of an incident that took place during the game, where they both felt that Major Richard conducted himself in a rude and discourteous manner. They conveyed that during the game they stood up in their row to allow another patron to exit and they were immediately chastised and continually yelled at by Major Richard, for standing. Both added that they believed Major Richard was intoxicated and rude. They further stated that his behavior was so bad that they finally had to turn around and tell Major Richard that they were allowing a patron to exit the row and would sit as soon as they were able. They also added that they felt Major Richard spoke to them in a demeaning tone and was unreasonable when he continued to yell at them to sit down. The Shehorns advised that they were taken aback when they later learned who Major Richard was and the position he held with this agency.

During this investigation I interviewed Sgt. Scott Smith form the North Port Police Department. Sgt. Smith was working the game as a special detail and had a less than favorable interaction with Major Richard. Sgt. Smith stated that towards the latter part of the game, he was seated in the stands for a period of time catching up with an old friend. Upon his departure from his friend Sgt. Smith stated that he was approached by an individual later to be identified as Major. Richard, while he was walking up the stairs to the concourse level. Sgt. Smith described his interaction with Major Richard as confrontational. He further stated that Major Richard spent most of the time

questioning him with regards to his work effort and his time spent seated speaking with his friend. Sgt. Smith stated that Major Richard had an odor of an alcoholic beverage emanating from his person and he believed that he was conversing with just another drunk patron, until Major Richard verbally identified himself as a Major with the SSO. Sgt. Smith conveyed that Major Richard was disrespectful and felt that he acted with poor judgement when he approached him after his obvious consumption of alcohol, to challenge the manner in which he was performing his duties and to berate him. Finally, Sgt. Smith believed that if Major Richard had an issue with his performance, he should have handled it in a different fashion.

During this investigation I also interviewed Alex Coranado, who was working as a Security Agent at the game. Mr. Coranado stated that he witnessed a portion of the interaction between Major Richard and Sgt. Smith and did hear a portion of their conversation. Mr. Coranado gave similar testimony as to what Sgt. Smith recollected had transpired. Mr. Coranado stated that he believed Major Richard was obviously drunk and verbally challenged Sgt. Smith's work effort and performance of his duties. Mr. Coranado also stated that Major Richard's interaction with Sgt. Smith was petty and unprofessional.

On 04/23/2019 Major Richard responded to the IA office, for the purpose of giving a statement. Major Richard was given the appropriate IA paperwork, reviewed all material germane to the investigation and a sworn, recorded statement was procured. Major Richard stated that he felt that many of the statements were embellished to an extent. He further questioned the veracity of the original email, for the reason he did not recall anyone in the area fitting the description defined in the email. Major Richard recalled that he did address a couple who were standing, several times with a request to sit, by vocalizing "down in front please". However, he claimed that it was in a generic manner, not in a rude or discourteous fashion. With regards to his consumption of alcohol, Major Richard stated that within a six-inning time frame he had consumed four, 16 oz. beers, but challenged the assumptions that he was drunk and/or intoxicated. Major Richard conveyed that he felt obligated, due to his proximity to contact Sgt. Smith and voice his concern regarding the perception of his (Smith's) actions. Major Richard stated that he became self-conscious, that if someone viewed Sgt. Smith acting derelict and he allowed it to occur, he (Major Richard) would be questioned. Major Richard debated that his contact with Sgt. Smith was unprofessional and added that he merely was trying to educate Sgt. Smith with regards to what the public could perceive as Sgt. Smith not performing his job duties in the proper manner. Major Richard added that during his contact with Sgt. Smith, he was under control and it is his belief that Sgt. Smith made it uncomfortable when he tried to deflect being called out for his aforementioned actions. In closing Major Richard did admit that in retrospect he should have handled the contact with Sgt. Smith differently. He stated that he should have contacted an on-duty detail supervisor to address Sgt. Smith's actions and should not have addressed Sgt. Smith after consuming alcohol.

Based on the information gathered during this investigation, there is sufficient information present to sustain the original allegation of Conduct Unbecoming. The totality of the circumstances gleaned during this investigation yield that Major Richard's conduct has the ability to bring the Sheriff's Office into disrepute or reflects discredit upon personnel as members of the Sheriff's Office or impair the operation of efficiency. Major Richard's self-conscious feeling of himself being judged should not

have been the deciding factor for the reason he chose to have interaction with an individual, Sgt. Smith who does not fall within the confines of his command, especially after consuming alcohol. Major Richard should have handled the situation in a more appropriate manner, by contacting an on-duty supervisor, to deal with an issue if it even required addressing.

The Sustained disposition for Conduct Unbecoming concludes the IA investigation for IA case # 2019-019. The lesser allegation of Use of Alcohol (off duty) is inclusive in the Sustained finding of the higher disciplinary standard, Conduct Unbecoming.

***SARASOTA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS***

2019-019 WITNESS LIST

SSO Members—861-5800:

Captain B. Ivings (SSO)

Lt. C. Perz (SSO)

Sgt. C. Felix (SSO)

Dep. D. Hodge (SSO)

Sgt. S. Smith (NPPD) 941-429-7300

Dep. Chief (NPPD) C. Morales 941-429-7300

Mr. Peter Lear (NPCM) 941-429-7077

Sgt. S. Shehorn (BPD) 941-932-9300

Heather Shehorn 941-932-9300

Alex Coranado (Trust Security) 855-518-7878

Josh Langieri (Trust Security) 855-518-7878

SARASOTA COUNTY SHERIFF'S OFFICE

MEMORANDUM

HAND DELIVERY

TO: Major Paul Richard **DATE:** May 13, 2019

FROM: Colonel Kurt Hoffman

SUBJECT: Final Disciplinary Action

This memorandum is to officially notify you of the decision to make the proposed action of a forty-eight (48) hour suspension without pay the final action. This final action is based on you violating the following agency disciplinary standard, which is made part of the Sarasota County Sheriff's Office General Orders:

General Order 12.2 (III) D.S. # 1 Conduct Unbecoming

The effective date of this final action will be the close of business 5/13/19. The suspension dates are as follows 5/23, 5/24, 5/28, 5/29, 5/30, 5/31, eight (8) hours each day. The decision to uphold the proposed action of a forty-eight (48) hour suspension without pay was made after careful consideration by the Sheriff and your supervisor.

The Sheriff's Office holds its employees to a high standard of conduct and behavior. You have violated these standards. Your actions and behavior have demonstrated conduct, which has a tendency to destroy public respect and confidence in the agency, in its employees, and in the operation of its services and has adversely affected the good order and discipline of this Agency.

As a permanent status employee with the Sarasota County Sheriff's Office, you have the right to appeal this disciplinary action to a Career Service Appeals Board in accordance with General Order 10.5. Any such appeal request must be in writing and must be received by the Sheriff no later than three working days after you are notified of the action on which the appeal is based.

The Board will be selected and will meet for the purpose of hearing the appeal no later than fifteen working days after receipt of your request. If you desire such a hearing, please deliver your written request to:

Sheriff Thomas Knight
Sarasota County Sheriff's Office
6010 Cattle Ridge Blvd.
Sarasota, Florida 34232

If you have any questions concerning this matter, you may contact Internal Affairs 861-4064.

Delivered By: Col. Kunta Hoffner #2 Date: 5-13-19

Employee's Signature
Acknowledging Receipt: ful Recd Date: 5-13-19

Witnessed By: Col Kunta Hoffner #2 Date: 5-13-19

NOTE TO THE EMPLOYEE: The signing of this memorandum does not indicate that you are admitting to any charges. By signing, you are only acknowledging that you have received notification of the Final Disciplinary Action.

NOTE TO THE DELIVERER: If the employee refuses to sign, you shall so indicate on this memorandum their refusal to do so.

WAIVER OF CAREER SERVICE APPEALS BOARD

I, Major Paul Richard, have received and read the Notice of Final Disciplinary Action dated 05/13/2019 (IA# 2019-019). I understand that I have the right to a Career Service Appeals Board in order to appeal the Sarasota County Sheriff's Office Final Disciplinary Action issued against me.

I have determined that I do not want to request a Career Service Appeals Board. I have not been coerced or promised anything for signing this waiver. I have determined that this is in my best interest and I am signing voluntarily and of my own free will.

This waiver of a Career Service Appeals Board does not affect any other rights, in law or equity, that I may have relating to this action.

Dated this 13 day of May, 2019.

Col. Kurt A. Stelle #2
Witness

Paul Richard #3 486
Signature of Member ID#

SARASOTA COUNTY SHERIFF'S OFFICE

MEMORANDUM

HAND DELIVERY

TO: Major Paul Richard

DATE: May 13, 2019

FROM: Colonel Kurt Hoffman

SUBJECT: Proposed Disciplinary Action

Pursuant to General Order 12.1 and the Career Service Act, this memorandum is to officially notify you that the Sarasota County Sheriff's Office is proposing to suspend you without pay for forty-eight (48) hours for violating the following agency disciplinary standard which is made part of the Sarasota County Sheriff's Office General Orders:

General Order 12.2 (III) D.S. # 1 Conduct Unbecoming

The effective date of this action will not be until after the pre-disciplinary conference, if requested, is held and a Final Action letter is provided to you. This proposed action is based upon the following:

IDENTIFICATION OF DOCUMENTS

Among, but not limited to the documents relied upon by the Sheriff's Office in proposing this disciplinary action are:

1. SSO IA Case # 2019-019: Conduct Unbecoming

CONCLUSION

The Sheriff's Office holds its employees to a high standard of conduct and behavior both on and off-duty. You have violated these standards. Your actions and behavior have demonstrated conduct which has a tendency to destroy public respect and confidence in the agency, in its employees, and in the operation of its services and has adversely affected the good order and discipline of this Agency. Based on the factual allegations, the Sheriff and your supervisors agree that a forty-eight (48) hour suspension without pay is the appropriate action in your case.

PRE-DISCIPLINARY CONFERENCE

You may within three (3) working days of receipt of this notice submit a request, in writing, to the below listed hearing officer, for a pre-disciplinary conference. The purpose of

this conference is to make an oral and / or written statement, to the Sheriff's Office to refute or explain the charges made against you. The Pre-Disciplinary Conference is not mandatory and may be waived, to proceed to Final Discipline, which may include a Career Service Board (when applicable and if requested). The aforementioned request must be hand delivered to the below listed hearing officer or the hearing officer's administrative assistant, within the allotted time (three [3] working days). No exceptions or deviations from the listed instructions will be tolerated. The conference will be informal and will not be in the nature of an evidentiary hearing. If you desire such a conference, please deliver your written request to:

Colonel K. Hoffman
Administrative Assistant Meta Robinson
Sarasota County Sheriff's Office
Post Office Box 4115
Sarasota, Florida 34230-4115

The conference will be held at a time and place determined by the Sheriff's Office, during regular business hours. If you choose not to make such a request, the Sheriff's Office will proceed to finalize the proposed disciplinary action.

If you have any questions concerning this matter, please feel free to contact me.

Delivered By: Col. Kurt A. Hoffman #2 Date: 5-13-19

Employee's Signature
Acknowledging Receipt: Paul Reid Date: 5-13-19

Witnessed By: Col. Kurt A. Hoffman #2 Date: 5-13-19

NOTE TO THE EMPLOYEE: The signing of this memorandum does not indicate that you are admitting to any charges. By signing, you are only acknowledging that you have received notification of the proposed disciplinary action and your right to a predetermination conference.

NOTE TO THE DELIVERER: If the employee refuses to sign, you shall so indicate on this memorandum their refusal to do so.

xc: personnel file

WAIVER OF PRE-DISCIPLINARY CONFERENCE

I Major Paul Richard have received and read the Notice of Proposed Disciplinary Action dated 05/13/2019 (IA Case # 2019-019. I understand that I have the right to a pre-disciplinary conference in order to make an oral or written statement, or both to the Sheriff's Office to refute or explain the charges made against me.

I have determined that I do not want to request a pre-disciplinary conference and I am requesting that the proposed discipline be the final discipline effective immediately. I have not been coerced or promised anything for signing this waiver. I have determined that this is in my best interest and I am signing voluntarily and of my own free will.

This waiver in no way effects or alters my ability to appeal said disciplinary action to the Career Service Board, if applicable. Additionally, it does not affect any other rights, in law or equity, that I may have relating to this action.

Dated this 13 day of May, 2019.

Col. Kurtis H. Hupp Jr
Witness

Paul Richard 488
Signature of Member ID#

SARASOTA COUNTY SHERIFF'S OFFICE

MEMORANDUM

TO: Sheriff Tom Knight

DATE: 05/08/19

FROM: Colonel Kurt A. Hoffman, Chief Deputy

SUBJECT: IA 2019-019

MAIL #2

Pursuant to your direction I initiated an internal affairs investigation on April 1, 2019 based on an email received by our internal affairs section alleging inappropriate behavior by a member of our agency. According to the complaint the incident occurred at the Atlanta Braves spring training game on March 24, 2019 and alleges discourteous conduct on the part of Major Paul Richard.

This investigation took several weeks to complete based in part on difficulties in identifying witnesses and their availability. Lt. Mercurio confirmed that no video evidence of this event was captured by cameras at the stadium. Lt. Mercurio conducted fourteen separate witness interviews, including onsite interviews in North Port and Bradenton.

On May 8, 2019 Lt. Mercurio provided me with his investigative summary and all audio recorded sworn statements in this case in order to determine the appropriate discipline. Several of the witnesses described Major Richard as having an intoxicated demeanor. In Major Richard's interview he indicates that he had four beers, believed to be 16 ounces each. Major Richard attempts to deflect the witnesses by stating this situation is overblown however, had Major Richard sought the assistance of an on-duty supervisor working the detail this interaction and subsequent internal affairs investigation would not have been necessary.

Major Richard, by and through his actions, brought not only the sheriff's office, but also our profession into disrepute. His poor decision to engage Sgt. Smith of the North Port Police Department and berate two other citizens while consuming alcoholic beverages embarrassed our agency, other on and off duty law enforcement personnel, the citizens we serve and two security guards who were contemplating employment with our agency, to his unprofessional behavior. Taken as a whole his behavior, demeanor and attitude as described by all witnesses exhibits a violation of disciplinary standard #1 Conduct Unbecoming (Level Three). The range of discipline for a violation of this standard is a 16 hour to 40-hour suspension. According to our progressive disciplinary standards this does not rise to the level of termination. However, in light of the unprofessional conduct exhibited during this incident and because Major Richard is a command staff member, I am recommending that you exceed the maximum suspension of 40 hours and suspend Major Richard for 48 hours.

Approved X JMK

Disapproved _____

SARASOTA COUNTY SHERIFF'S OFFICE
MEMORANDUM

TO: Files: IA 2019-019

DATE: May 13, 2019

FROM: Sheriff Tom Knight/*JK*

SUBJECT: IA 2019-019

I have reviewed the correspondence from Colonel Kurt Hoffman, and I concur with the recommended disciplinary action.

On April 1, 2019 I instructed Colonel Hoffman to initiate an internal affairs investigation based on an anonymous email received by our internal affairs section. The anonymous complainant alleges that while attending the Atlanta Braves spring training game on March 24, 2019, they witnessed Major Paul Richard drunk and yelling at others.

During the investigation, Major Richard admitted to being at the spring training game off-duty with his family and that he drank four beers during the game. Additionally, he called out "down in front" to patrons standing and blocking his family's game view and he had an interaction with a North Port Police Department Sergeant.

Although some witnesses described Major Richard as "obnoxious" and "clearly drunk," none of the witnesses personally saw Major Richard consuming or possessing alcohol during the game. Other witnesses did not indicate that Major Richard was impaired. The only definitive evidence of alcohol consumption is Major Richard's admission to consuming four (4) beers during the game.

Major Richard admits saying "down in front" to patrons at the baseball game, but believes he was doing so in accordance with sports watching standards. Although it may be common for patrons at a sporting event to yell at others who are blocking their view to sit down, it is also an action that is commonly known to sometimes cause disturbances amongst fans. Major Richard's actions were offensive to other citizens and his conduct adversely affected the good order and reputation of the Sheriff's Office. Being an off-duty member of the Sheriff's Office, and a high-level commander, he should have refrained from calling out to anyone and simply utilized employees of the Braves (ushers), or other means to notify the citizens of them blocking his family's view of the game.

Files: IA 2019-019

May 13, 2019

Page 2

The Sarasota County Sheriff's Office maintained primary control of safety and security for the Atlanta Braves spring training game on March 24, 2019. The North Port Police Department was permitted to participate in security per the agreement with the Atlanta Braves organization and the Sheriff's Office. North Port Police had a supervisor and police officers assigned to the event and the Sheriff's Office had a Lieutenant as the Officer-In-Charge (OIC) of the event. During the game, Major Richard recognized a North Port Police Department Sergeant sitting in the stands visiting with personal friends for a period of time. Major Richard believed that by sitting and conversing with friends for a prolonged period of time, the North Port Sergeant was disregarding his responsibility to monitor the stadium and its occupants; therefore, Major Richard chose to approach the Sergeant and counsel him. If the Sergeant was an on-duty employee of the Sheriff's Office, he may have been in violation of our General Orders.

As this was not an employee of the Sarasota County Sheriff's Office, Major Richard's decision to counsel and supervise the North Port Sergeant was not good judgement, especially while off-duty and not in official Sheriff's Office attire. Rather, Major Richard should have sought the assistance of an on-duty supervisor working the detail, or the Sheriff's Office Lieutenant designated as the Officer-In-Charge. His failure to do so caused a confrontation from the North Port Sergeant and his actions adversely affected the good order and reputation of the Sheriff's Office.

After reviewing the totality of the circumstances, it is clear that Major Richard's actions were not consistent with the behavior standards and culture of the Sarasota County Sheriff's Office. His decision to engage a supervisor of the North Port Police Department and call out to two other citizens embarrassed our agency and caused an extensive internal affairs investigation.

According to our progressive disciplinary standards this does not rise to the level of termination, and I concur with Major Richard's supervisor's disciplinary recommendation.